



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,182	03/22/2001	Morteza Kalhour	006917.00003	2816
22907 7590 12/13/2007 BANNER & WITCOFF, LTD. 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051			EXAMINER ISMAIL, SHAWKI SAIF	
			ART UNIT 2155	PAPER NUMBER
			MAIL DATE 12/13/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/814,182

Applicant(s)

KALHOUR, MORTEZA

Examiner

Shawki S. Ismail

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 24 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18, 20-22, 24-28 and 30-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18, 20-22, 24-28 and 30-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

RESPONSE TO AMENDMENT

1. This communication is responsive to the amendment received on September 24, 2007.

Claims 19, 12-18, 20-22, 24-28, 30-32 have been amended.

Claims 19, 23 and 29 have been cancelled

Claims 33-34 have been newly added

Claims 1-18, 20-22, 24-28, 30-34 are presented for examination.

The New Grounds of Rejection

2. Applicant's amendment and arguments received on September 24, 2007 have been fully considered, however they are deemed to be moot in view of the new grounds of rejection.

Claim Rejections - 35 USC §103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1, 5-12, 16-22, and 26-34 are rejected under 35 U.S.C. 102(e) as being unpatentable over **Ozkan et al., (Ozkan)** U.S. Patent No. **6,115,074**.
5. As to claim 1, 5-6, 12, 16-17, 22, 26-27 and 32 Ozkan teaches a method and a system of supplying a receiver with tuning information for provided services, comprising the following steps:

compiling a database comprising the following information items:

a plurality of service identifiers identifying said provided services (col.4, lines 3-21, Event information table contains text messages describing programs and program channels); and

a plurality of sets of tuning parameters, each of which sets is associated with a respective one of said plurality of service identifiers (col.5, lines 34-60, tuning parameters are derived by processor 60);

retrieving a set of tuning parameters for a requested one of a plurality of provided services by accessing a database through one of a plurality of service identifiers, wherein the database comprises the following information items (col.5, line 34-60, Processor 60 gets the tuning parameters including PTC carrier frequency, demodulation characteristics etc...):

the plurality of service identifiers identifying the plurality of provided services, and a plurality of sets of tuning parameters, each of the sets being associated with a respective one of said plurality of service identifiers (col.2, line 65 – col. 3, line 9); and

using said retrieved tuning parameters for tuning said receiver (col.3, lines 30-52, processor 60 uses the selection information provided to appropriately configure the elements of the digital video receiving apparatus),

Ozkan does not explicitly indicate wherein said database comprises at least two identical service identifiers.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to contain two identical service identifier in order to be able to store

tuning parameters from different network sources that will be played on the end user device. For example channel 3 might play both cable and satellite, but depending on how the receiver is tuned, the content from either cable source or satellite source will play to the user. Both network sources are able to ply their content at the receiver depending on the tuning at the receiver. Therefore, it would have been obvious to have a database that contains the same channel identifier for multiple network sources.

6. As to claim 7, Ozkan teaches the method according to claim 1, wherein using said retrieved tuning parameters comprises the step of transferring said tuning parameters from said database directly to said receiver (col.3, lines 30-52, processor 60 uses the selection information provided to appropriately configure the elements of the digital video receiving apparatus.)

7. As to claim 8, 18 and 28, Ozkan teaches the system and methods of claim 1, 12, 22, respectively, further comprising compiling said database in a Set Top Box (col. 3, lines 10-29, Fig. 1., digital video receiving apparatus.)

8. As to claim 9, 19, and 29, Ozkan teaches the ~~system methods of claim 1, 12, 22,~~ respectively, wherein compiling said database comprises performing a channel search (col. 6, lines 11-64.)

9. As to claim 10, 20, and 30, Ozkan teaches the system and methods of claim 1, 12, 22, respectively, wherein said service identifiers relate to a Digital Video Broadcasting system (Abstract, Fig.1, col.1 lines 17-19, and col.2, lines 19-21.)

10. As to claim 11, 21, and 31, Ozkan teaches the system and methods of claim 1, 12, 22, respectively, wherein said set of tuning parameters comprises any of the

following items: frequency, forward error correction, symbol rate, and packet identifier (col. 5, lines 56-61, parameters consist of frequency and PID for tuning a receiver.)

11. Claims 2-4, 13-15 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ozkan et al., (Ozkan)** U.S. Patent No. **6,115,074** in view of **Wang**, U.S. Patent No. **6,675,385**.

12. As to claim 2, 13, and 23 Ozkan teaches the system and methods of claim 1, 12, 22, respectively, wherein said database is compiled by a remote terminal (col.4, lines 3-21, Processor 60 assembles he program specific information into multiple hierarchically arranged and interlinked tables.) Ozkan does not explicitly teach retrieving a set of tuning parameters comprises accessing said database through a data network, preferably the Internet. Wang teaches a EPG database coupled to an EPG Manager which downloads web pages in HTML format from the Internet for inclusion in its group of generated EPG web pages and then forwards them to a data streamer for formatting col.3, line 56 – col.4, line7.)

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Ozkan and Wang to retrieve a set of tuning parameters through a data network, preferably the internet, because The Internet gives the user the flexibility to get information from around the world in an efficient and timely manner.

13. As to claim 3, 14, and 24 Ozkan teaches the system and methods of claim 1, 12, 22, respectively. Ozkan does not explicitly teach wherein the step of retrieving a set of tuning parameters comprises the step of selecting a service identifier by means of a

web browser. Wang teaches downloading EPG web pages from the rotating data carousel upon specific demand from the web browser 32 and stored in HTML in work memory 28, col.4, lines 41-61.)

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Ozkan and Wang for retrieving a set of tuning parameters comprises the step of selecting a service identifier by means of a web browser because it gives the user the flexibility to navigate from one World Wide Website to another in whatever order they desire as well as allow them to select, retrieve and interact with resources on the web in an efficient and timely manner.

14. As to claim 4, 15, and 25, Ozkan teaches the system and methods of claim 1, 12, 22, respectively. Ozkan does not explicitly teach wherein the step of compiling said database comprises the additional step of downloading said database as a file to said receiver, preferably as an HTML file. Wang teaches a EPG database coupled to an EPG Manager which downloads web pages in HTML format from the internet for inclusion in it's group of generated EPG web pages and then forwarded to a data streamer for formatting col.3, line 56 – col.4, line7.)

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Ozkan and Wang to compile the database by downloading it as an HTML file to the receiver because HTML is the coded format language used for creating hypertext documents on the World Wide Web and controlling how Web pages appear.

Response to Arguments

15. Applicant's amendment and arguments received on September 24, 2007 have been fully considered, however they are deemed to be moot in view of the new grounds of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawki S Ismail whose telephone number is 571-272-3985. The examiner can normally be reached on M-F 8:30 - 5:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached at 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number:
09/814,182
Art Unit: 2155

Page 8

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shawki Ismail
Patent Examiner
December 9, 2007



SATEH NAJJAR
SUPERVISORY PATENT EXAMINER